

1 JUDGE FRANKLIN D. BURGESS
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

8 UNITED STATES OF AMERICA,) NO. CR06-5543FDB
9 Plaintiff,)
10 vs.) ORDER GRANTING UNOPPOSED
11) MOTION TO CONTINUE TRIAL
12 RUSTY REX REAN,) DATE
13 Defendant.)
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15 Based on the stipulated motion of the parties to continue the trial date, and the
16 affidavit of defense counsel in support of the motion, the Court makes the following
17 findings of fact and conclusions of law:

18 1. The ends of justice served by granting this continuance outweigh the best
19 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).
20 2. Proceeding to trial absent adequate time for the defense to prepare would
21 result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(I).
22 3. The defense needs additional time to explore issues of some complexity,
23 including all relevant issues and defenses applicable to the case, which would make it
24 unreasonable to expect adequate preparation for pretrial proceedings or for trial itself
25 within the time limits established by the Speedy Trial Act and currently set for this case.
26 18 U.S.C. § 3161(h)(8)(B)(ii).

1 4. Taking into account the exercise of due diligence, a continuance is necessary
2 to allow the defendant the reasonable time for effective preparation of his defense. 18
3 U.S.C. § 3161(h)(8)(B)(iv).

4 NOW, THEREFORE,

5 IT IS HEREBY ORDERED that the trial date is continued from November 13,
6 2006 to January 22, 2007. The resulting period of delay from November 13, 2006, up to
7 and including the new trial date of January 22, 2007, is hereby excluded for speedy trial
8 purposes under 18 U.S.C. § 3161(h)(8)(A) and (B).

9 DONE this 1st day of November, 2006.

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FRANKLIN D. BURGESS

UNITED STATES DISTRICT JUDGE

Presented by:

/s/ _____
Linda R. Sullivan

Attorney for Defendant

/s/ _____
Kent Liu
Assistant United States Attorney